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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,618	09/19/2003	Bjorn Bjarc	PI17539US2	4026
27045	7590	10/27/2006	EXAMINER	
ERICSSON INC. 6300 LEGACY DRIVE M/S EVR C11 PLANO, TX 75024			SEYE, ABDOU K	
			ART UNIT	PAPER NUMBER
			2194	

DATE MAILED: 10/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/664,618	BJARE ET AL.
	Examiner	Art Unit
	Abdou Karim Seye	2194

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 19 September 2003.  
 2a) This action is FINAL.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-22 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-22 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 19 September 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
 WILLIAM THOMSON  
 PATENT EXAMINER  
 4)  Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_  
 5)  Notice of Informal Patent Application  
 6)  Other: \_\_\_\_\_

**Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date 09/10/04, 04/26/04.

4)  Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_  
 5)  Notice of Informal Patent Application  
 6)  Other: \_\_\_\_\_

**DETAILED ACTION**

1. This is the initial office action based on the application filed on September 19, 2003. Claims 1-22 are currently pending and have been considered below.

***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefore, subject to the conditions and requirements of this title.

Claims 1-22 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The current focus of the Patent Office in regard to statutory inventions under 35 U.S.C. § 101 for system and method claims and claims that recite a judicial exception (software) is that the claimed invention recite a practical application. The final result of the claims are not tied to real world which is not a tangible result because the software application domain and the software application framework are not used for anything and are not stored in a computer readable medium.

Appropriate change is required.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that forms the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under

section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-22 are rejected under 35 U.S.C. 102 (e) as being anticipated by **Gouge et al. (US 6931429)**.

Claims 1 and 12: Gouge discloses a system method and software application framework comprising:

- a. A framework interface domain for interfacing a platform domain with application domain software of an application domain (abstract; fig. 1 col. 9, lines 27-35; fig. 5, col. 14, lines 1-67);
- b. A first application entity (abstract; fig. 5, col. 13, lines 65-67); and
- c. A second application entity (abstract; fig. 5, col. 13, lines 65-67).

Claims 2 and 13: Gouge discloses a system method and software application as in claims 1 and 12 above and further discloses that the application domain includes:

- a. A utility entity (fig. 5, col. 14 lines 6-24);
- b. A plug-in entity (abstract; fig. 5, col. 15, lines 1-43);
- c. The utility entity is adapted to use the first application entity, the plug-in entity and another utility entity (fig. 5, col. 14, lines 1-34); and
- d. The plug-in entity is adapted to use the framework interface domain (fig. 5, col. 15, lines 1-43).

Claims 3 and 14: Gouge discloses a system method and software application as in claims 2 and 13 above and further discloses that the plug-in entity is adapted to extend the functionality of the platform domain (fig. 5, col. 15, lines 1-43).

Claims 4 and 15: Gouge discloses a system method and software application as in claims 2 and 13 above and further discloses that the plug-in entity is adapted to appear to be a part of the framework interface domain (fig. 5, col. 15, lines 1-43).

Claims 5 and 16: Gouge discloses a system method and software application as in claims 2 and 13 above and further discloses that the utility entity is adapted to buffer and shield legacy code (fig. 5, col. 14, lines 19-24).

Claims 6 and 17: Gouge discloses a system method and software application as in claims 2 and 13 above and further discloses that the application entity is adapted to own a thread/procedure call/instances (fig. 6,7 col. 18, lines 10-50).

Claims 7 and 18: Gouge discloses a system method and software application as in claims 6 and 17 above and further discloses that the thread/instance is automatically created upon start-up of the application entity (abstract; fig. 6,7, col. 18, lines 10-50; col. 19, lines 59-67).

Claims 8 and 19: Gouge discloses a system method and software application as in claims 7 and 18 above and further discloses encapsulated code (fig. 6,7, col. 18, lines 30-35).

Claims 9 and 20: Gouge discloses a system method and software application as in claims 1 and 12 above and further discloses that the software application framework is resident on a mobile equipment (fig. 5, col. 18, lines 10-21).

Claims 10 and 21: Gouge discloses a system method and software application as in claims 1 and 12 above and further discloses that: the software application framework uses a dual-mode message-exchange procedure with use of procedure/stack-based handling and message/serialization-based handling (col. 19, lines 59-67; col. 20, lines 1-52).

Claims 11 and 22: Gouge discloses a system method and software application as in claims 1 and 12 above and further discloses that the application domain minimizes a need for support code (fig. 6,7, col. 15, lines 16-27).

### **Conclusion**

5. The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure.

Heisey et al (20040015940) discloses an intelligent device upgrade engine.

Usok et al (20040205772) discloses intelligent software agent system architecture.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exr. Abdou Seye whose telephone number is (571) 270-1062. The examiner can normally be reached Monday through Friday from 7:30 a.m. to 4:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, contact the examiner's supervisor, William Thomson at (571) 272-3718. The fax phone

number for formal or official faxes to Technology Center 3600 is (571) 273-8300.

Draft or informal faxes, which will not be entered in the application, may be submitted directly to the examiner at (571) 273-6722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group Receptionist whose telephone number is (571) 272-3600.

AKS  
October 25, 2006

William Thomson  
Supervisory Patent Examiner

WILLIAM THOMSON  
SUPERVISORY PATENT EXAMINER